



## Board of Adjustment Case Report

City of Raleigh  
Department of City Planning  
One Exchange Plaza  
Raleigh, NC 27601  
(919) 996-2626  
[www.raleighnc.gov](http://www.raleighnc.gov)

**Case File:** A-28-16

**Property Address:** 9600 Fonville Road

**Property Owner:** Ruth Ann Taylor Long and Betty Adams Taylor

**Project Contact:** David Williams

**Nature of Case:** A request for a variance from all of the wooded area requirements set forth in Section 9.1.9.A. of the Unified Development Ordinance to allow for the construction of a detached house on a .97 acre property zoned Residential-4 and Urban Watershed Protection Overlay District.



**9600 Fonville Road – Location Map**

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**To BOA:** 1-11-16

**Staff Coordinator:** Eric S. Hodge, AICP

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**ZONING  
DISTRICTS:** Residential-4



### 9600 Fonville Road – Zoning Map

**VARIANCE STANDARDS:** In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

**To Legalize the Existing Structure:**

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from

**personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.**

- 3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.**
- 4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.**

### **Sec. 9.1.9 Watershed Protection Overlay Districts**

A. Except as otherwise provided below, every lot located within a -UWPOD, -FWPOD or -SWPOD must provide and maintain an area set aside for trees equal to at least 40% of the lot area. Within this area, trees must either be preserved or planted in accordance with the following:

1. Tree areas may be 1 contiguous area or scattered areas throughout the lot, but no required tree area may be less than 1/5 of the total gross land area required to be set aside for trees;
2. All areas required to be set aside for trees shall be maintained as wooded areas;
3. Wooded areas may consist of either areas where active tree preservation is observed or tree planting areas;
4. Each active tree preservation area must contain a minimum of 2 inches of tree caliper per every 100 square feet and within such areas, active tree preservation shall be followed;
5. Areas that are set aside for trees that do not meet the standards for active tree protection areas must be planted with shade trees; and
6. The minimum size and planting rate of new tree plantings used to fulfill this requirement shall be either 1 bare-root seedling at least 14 inches tall planted per 100 square feet (10 feet by 10 feet centers) or one 2-inch caliper tree planted per 200 square feet.

B. After wooded areas have been determined and prior to or concurrent to any subdividing of the property or issuance of building permit, the landowner shall record with the local County Register of Deeds a plat with metes and bounds descriptions of all wooded areas.

C. For lots located within areas designated "New Urban" by the Swift Creek Land Management Plan, the regulations of Sec. 9.1.9.A. above apply with the exception that only 25% of each lot must contain an area set aside for trees.

D. For lots located within a conservation development, areas set aside for trees may in lieu of being situated on the individual dwelling lots may instead be located within the required open space, provided that the overall acreage set aside for trees is not diminished.

E. The requirements of this section do not apply to lots devoted exclusively to stormwater control measures or to those lots located in those areas of the Comprehensive Plan designated for impervious surfaces in excess of 30%.



# Planning & Development

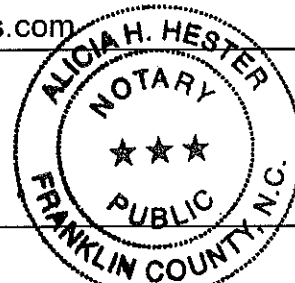
Development Services  
Customer Service Center  
One Exchange Plaza  
1 Exchange Plaza, Suite 400  
Raleigh, North Carolina 27601  
Phone 919-996-2495  
Fax 919-516-2685

A-28-16

## Variance Application

	OFFICE USE ONLY
Nature of variance request (Submit addendum on separate sheet, if more space is needed.) Request of a variance on the urban water shed requirements requiring 40% of lot wooded or planted with trees or a mixture of wood area. Our plan is to remove an existing house and build a new one no trees will be disturbed in the construction process	Transaction Number
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.	

GENERAL INFORMATION		
Property Address 9600 Fonville Road Raleigh		Date 1/8/16
Property PIN 1729453291	Current Zoning	
Nearest Intersection Holmes Hollow Road and Fonville Road		Property size (in acres) .97
Property Owner Ruth Ann Taylor Long Betty Adams Taylor	Phone 919 961 1774	Fax 919 453 2334
	Email ruthann@taylored-spaces.com	
Project Contact Person David Williams	Phone 919 427 4165	Fax 919 453 2334
	Email david@focusdesignbuilders.com	
Property Owner Signature Ruth Ann J. Long Betty Adams Taylor	Email ruthann@taylored-spaces.com	
Notary Sworn and subscribed before me this 8th day of January, 2016	Notary Signature and Seal Alicia H. Hester	



It is improper to contact any member of the Board of Adjustment prior to the disposition of a case to discuss the request. A variance application will not be considered complete until all required submittal components listed on the Variance Checklist have been received and approved.





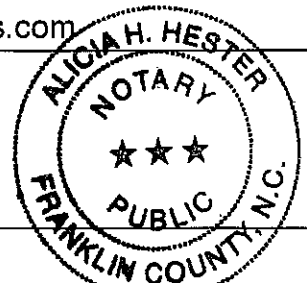
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Notary  Sworn and subscribed before me this <u>8th</u> day of <u>January</u> , 20 <u>16</u>	Notary Signature and Seal  Alicia H. Hester	



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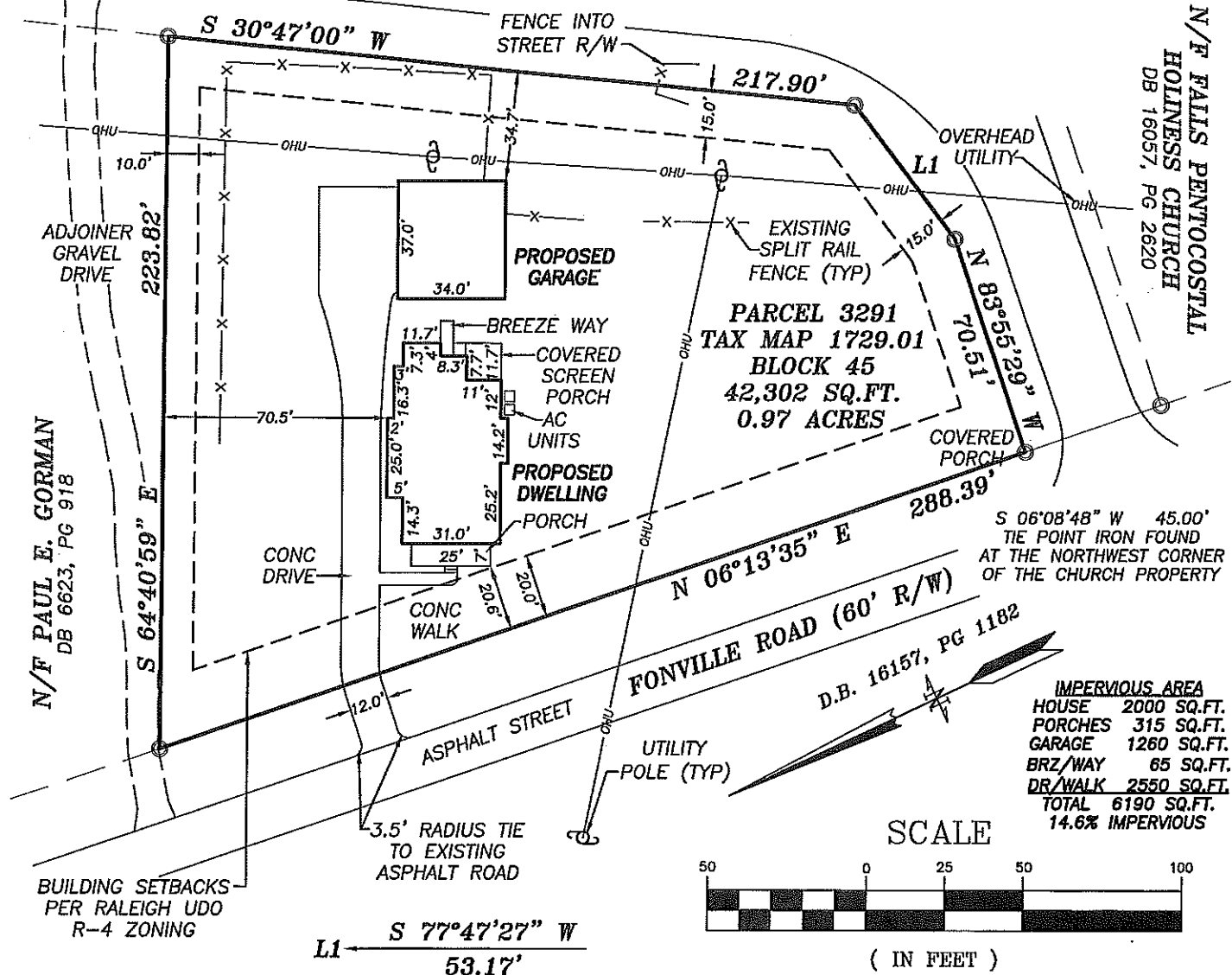
(N.T.S.)

ALL CONSTRUCTION SHALL BE IN  
ACCORDANCE WITH ALL CITY OF RALEIGH  
AND NCDOT STANDARDS AND SPECIFICATIONS

# HOLMES HOLLOW ROAD (VARIABLE R/W)

ONLY AND NOT TO BE USED FOR  
PROPERTY LINE LOCATION

ALL CREEKS, EASEMENTS, BUFFERS,  
FLOOD LIMITS & SETBACKS TAKEN  
FROM TAX MAP 1729.01, BLOCK 45.



I, Jeffrey H. Davis, PLS, certify this map was drawn under my supervision from an actual survey made under my supervision; and that the error of closure as calculated by latitudes and departures is 1/ 10,000+; that the boundaries not surveyed are shown as broken lines plotted from information found in Book —; Page —; that this map was prepared in accordance with G.S. 47--30 amended.

Witness my original signature, registration number and seal this 17TH day of SEPTEMBER 2015. **Preliminary Plat**  
**Not for recordation,**  
**conveyances, or sales**

PRELIMINARY PLAT, NOT FOR  
RECORDATION, CONVEYANCES, OR SALES  
THIS PLAN MUST BE APPROVED BY ALL  
STATE AND LOCAL REVIEWING AUTHORITIES  
FOR CONCURRENCE WITH SITE ZONING  
AND CODE OF ORDINANCES

Signed

Seal

## SITE PLAN

SITE PLAN CREATED 01-06-2016

### PLAN INFORMATION BLOCK

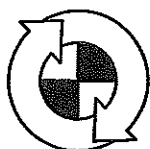
Footprint:		Total Square Feet:	
Crawl:	Slab:	Basement:	
Mean Height:		Stories:	
Facade:			
Impervious Surface Area:			

RUTH ANN  
TAYLOR LONG

PARCEL 3291  
TAX MAP 1729.01, BLOCK 45  
9600 FONVILLE ROAD  
WAKE FOREST NORTH CAROLINA

DATE: 09-17-2015  
SCALE: 1" = 50'

DWG. NO.  
A-19563SITE



**TURNING POINT**  
**SURVEYING PLLC**

4113 JOHN S. RABOTEAU WYND  
RALEIGH, NORTH CAROLINA 27612  
FAX (800)948-0213 PH (919)781-0234  
License No: P-0121

C.N. = 23124-1  
B.O.M. D.B. 8390  
PAGE 2544  
WAKE CO. REG.

